

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

STEVEN T. LESTER,

Plaintiff,

v.

CIVIL ACTION NO. 5:15-cv-02634

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,

Defendant.

**MEMORANDUM OPINION AND ORDER**

By *Standing Order* (Document 4) entered on March 18, 2015, this action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B).

On August 2, 2016, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 13) wherein it is recommended that this Court grant the *Plaintiff's Brief in Support of the Motion for Judgment on the Pleadings* (Document 10) to the extent the Plaintiff seeks remand; deny the Defendant's *Brief in Support of Defendant's Decision* (Document 11); reverse the final decision of the Commissioner; remand the case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g); and dismiss this matter from the Court's


docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by August 19, 2016, and none were filed by either party.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that districts courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*. The Court **ORDERS** that the *Plaintiff's Brief in Support of the Motion for Judgment on the Pleadings* (Document 10) be **GRANTED** to the extent the Plaintiff seeks remand; the Defendant's *Brief in Support of Defendant's Decision* (Document 11) be **DENIED**; the final decision of the Commissioner be **REVERSED**; the case be **REMANED** for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g); and the matter be **DISMISSED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge Tinsley, counsel of record, and any unrepresented party.

ENTER: August 22, 2016

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA